REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed December 15, 2005. At the time of the Final Office Action, Claims 1-30 were pending in this Application. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. §103

Claims 1-26 are patentable over Potter and Butka because the combination of Potter and Butka does not teach scaling the number of power supplies based upon demand requirements.

Claims 1-26 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0023885 by Mark R. Potter et al. ("Potter") in view of U.S. Patent No. 6,735,704 issued to David Butka et al. ("Butka"). The present rejection cites to Potter as teaching a multi-processor system with a resource management engine for scaling the number of resources based upon a plurality of demand requirements. However, the rejection recognizes that Potter fails to teach the scaling of power supplies based upon predicted demand requirements. The rejection then proposes to combine Butke with Potter in order to introduce the management of power supplies based upon demand requirements. This proposed combination fails to render the claimed embodiments obvious because 1) the combination still fails to teach all of the claimed elements and 2) there is no reason or motivation within the either reference to make the proposed combination.

The Butke reference describes power management in two scenarios, 1) a power subset reset period (C.4, L.4) and 2) steady state power management (C. 5, L. 33). In the reset scenario, controllers 18 for each power supply determine whether or not to provide power to a power bus: "[i]f the bus has power, it is assumed that another node is supplying power to the bus and the controller will not turn on the power supply. In this way it is ensured that no more than one power supply is coupled to the bus during a power up cycle or reset period." C. 4, L. 42-46. This scenario relates only to providing power upon reset and provides no relevant teaching with respect to the claimed embodiments. In the steady state scenario a

master controller instructs "a predefined number of power subsystems to couple a minimum number of power supplies to the power bus." C. 6, L. 19-21. Further, "to balance maximum redundant effect without unnecessarily creating an over-power condition on the power bus, it is preferable that the number of power supplies coupled redundantly in this step is 3." C. 6, L. 23-27. The only scenario in which additional power supplies begin to supply power are when the master controller loses contact with one or more of the power supplies (power nodes). See C. 6, L. 28-62. Such a scenario is not based on demand.

Accordingly, a combination of Potter with Butka would result in a multi processor system according to Potter with the power management capability of Butka. However, such a system fails to disclose, teach or suggest the scaling or adjusting of power supplies in relation to demand requirements as recited in Independent Claims 1 and 15. The Butka reference utilizes a "minimum" number of power supplies (which is apparently three). However, Butka no mention of changing the "minimum" number of power supplies based upon a change in demand requirements.

Further, the Potter reference makes no suggestion of using demand requirements with respect to the management of power supplies. Instead, the object of Potter appears to be management of the power states of transaction processing computers to draw less power in times of lower activity. P. 3, Para. 0025.

The rejection states that the motivation for the proposed combination "lies in the fact that having multiple power supplies would allow for a larger-scale system to enjoy the benefits of efficient power consumption, such that there is no system overload due to demand or usage." 12/15 Office Action p.3. Applicants respectfully traverse and note that the proposed combination stems only from hindsite which is clearly not permitted. *See Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, 227 U.S.P.Q. 543 (Fed. Cir. 1985) and *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). Additionally, the fact that the system of Potter could be modified to produce the claimed device is not a basis for obviousness unless the prior art suggests the desirability of such a modification. *In re Gordon*, 733 F.2d 900, 221 U.S.P.Q. 1125 (Fed. Cir. 1984). As discussed above, Potter does not suggest using demand information to increase or decrease the number of power supplies,

nor does Butka suggest using demand information to increase or decrease its "predefined" number of power supplies.

For at least these reasons, Applicants request reconsideration, withdrawal of the rejections under §103(a) and full allowance of Independent Claims 1 and 15 and Claims 2-14 and 16-26 that depend therefrom.

Claims 27-30 are patent able over Reneris and Lagod because the proposed combination fails to provide any relevant teaching with respect to the claimed processing resource management steps.

Claims 27-30 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,784,628 issued to Kenneth S. Reneris ("Reneris") in view of U.S. Patent No. 6,583,521 issued to Martin Lagod et al. ("Lagod"). Applicants respectfully traverse and submit the cited art does not render the claimed embodiment of the invention obvious.

> Independent claim 27 recites:
>
> A method for managing power consumption in a computer system, the method comprising:
>
> storing historical data in a plurality of dynamic tables;
>
> predicting future demand requirements using the historical data in the dynamic tables;
>
> determining if a processing resource change is needed to efficiently meet the future demand requirements; and
>
> adjusting a plurality of processing resources in advance to meet the future demand requirements.

Emphasis added. The rejection cites to Reneris as teaching the management of power consumption and concedes that Reneris provides no relevant teaching with respect to using historical data to predict demand requirements, determine if a processing resource change is needed and to carry out such a change. See 12/15/05 office action p. 6. Examiner cites to the following portion of Lagod as teaching these aspects Claim 27:

> In the event that there is a reasonable probability that a power outage might occur at a consumer's site, based upon the statistical data 28, the control center can switch the loads over to the on-site generation equipment as a pre-emtory move, rather than wait until an actual outage occurs. In addition to interruptions

due to adverse weather conditions, the statistical data 28 can be used to predict when loads may change, priors may change, or the reliability of the grid may vary, and switch between the power sources.

Col. 7, lines 21-30. Lagod generally teaches industrial energy management and the use of electric power generators on a customer site. The Lagod reference generally and the portion listed above that has been cited by the Examiner clearly provides no teaching or suggestion relating to the management of the processing resources within a computer system to meet future demand requirements as recited in Independent Claim 27.

Because the combination of Lagod and Reneris fail to disclose teach or suggest every claimed limitation, it cannot render obvious Independent Claim 27. Applicants respectfully request reconsideration, withdrawal of the rejection under §103(a) and full allowance of Claim 27 and Claims 28-30 which depend therefrom.
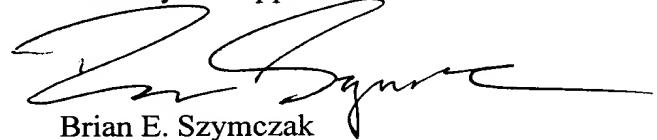
CONCLUSION

Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of the pending Claims.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 02-0383 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2548.

Respectfully submitted,
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